1951. File No. O. Growth of Foodcrops/51

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A BRANCH

Subject:—

Opinions Under the Bombay Growth of Foodcrops Act, 1944.

File No. O Growth of Foodcrops/51.

Gen. 194 e.

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C O N T E N T S.

Legal Department File No. C. Growth of Food Crops /51.

Sr. No.	F. I. No. / C. No.	Subject.	Pages.
		Opinions under the Bombay Growth of food crops Act 1944.	
(1)	7153 / 5-5-51.	The States Merger (Governor's Provinces) order, 1949.	
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Legal Department.

Claim for immunity of the Thakore Pethapur from notifn. issued under Growth of foodcrops Act, 1944.

The Thakore of Pethapur while requesting for relaxation of the orders issued by Government Notification in the I & F.D. No. 4391/3 dated 17-6-1950 under the Bombay Growth of Foodcrops Act, 1944, contends in support of his request that under article 4 of the merger agreement which he entered into with the ex-Baroda State he is entitled to all the privileges enjoyed by him before 15-8-1947 and consequently, he would not be bound by the restrictions imposed by the aforesaid orders. I & F.L. had requested the T.L.A. to advise whether he is entitled to such privileges.

2. It is true that under article 4 of the merger agreement executed between the Thakore of Pethapur and the Maharaja of Baroda, the Thakore of Pethapur is entitled to all the personal privileges enjoyed by him. But this merger agreement was not been recognised by this Government expressly or by implication. In T.L.A.'s opinion No. 5635 dated 9th April 1951 the T.L.A. has held that although the merger agreement between the Thakore of Pethpur and the Maharaja of Baroda is not binding on the Indian Government still by virtue of Paragraph 7, sub-para (1) of the States Merger (Governor's Provinces) Order, 1949, the Thakore of Pethpur is entitled to the Priv: purse of Rs. 25,000/- guaranteed to him under the merger agreement between him and the Maharaja of Baroda; but the States Merger (Governor's Provinces) Order, 1949, does not guarantee any other rights or personal privileges provided

for under any such agreement between persons of the merged States and the Rulers of such States. Article 362 of the Constitution guarantees rights and privileges of Rulers of Indian States, and 'Ruler' in relation to an Indian State as defined in article 366 clause (22) means "the Princes, Chiefs or other person by whom any such agreement or Covenant as is referred to in clause (1) of article 291 was entered into and who for the time being is recognised by the President as the Ruler of the State and includes any person who for the time being is recognised by the President as the successor of such Ruler." There is no covenant or agreement as is referred to in clause (1) of article 291 between the Indian Government and the Thakore of Lethapur. Nor does he appear to have been recognised as Ruler by the President of the Indian Union. Consequently, the Thakore of Lethapur is not a Ruler within the meaning of article 362, clause (22) and would not be entitled to the personal privileges under the agreement between him and the Maharaja of Baroda ; hence article 362 of the Constitution would not be available to him. He cannot, therefore, claim any immunity from the restrictions imposed under the Bombay Growth of Sugarcane Act, nor can he ask for any relaxation of the orders issued by Government Notification in the A & A.L. No. 4091/6, dated 17-6-1950.

Sd/-